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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,954	07/19/2000	Edgar Allan Tu	FUSN1-01102US0	2140
28554	7590	11/14/2006	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP			COULTER, KENNETH R	
575 MARKET STREET SUITE 2500			ART UNIT	
SAN FRANCISCO, CA 94105			PAPER NUMBER	

2141

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,954

Applicant(s)

TU ET AL.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 6 and 23 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (U.S. Pat. No. 6,167,120) (Apparatus and Methods for Home Networking).

- 2.1 Regarding claim 1, Kikinis discloses a system for providing access to a base device (Fig. 1, item 122) identified with a user of a remote client device (Fig. 1, items 130, 131, 132, 140, 141), said remote access system comprising:

a web server operatively coupled for communication with the remote client device accessed by the user (Fig. 1, items 123, 121, 110; col. 4, lines 30 – 55 “server 123”); and

a user server operatively coupled to said web server and said remote client device (Fig. 1, items 100, 110, 121; col. 4, lines 30 – 55 “Home Server Unit

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100”), said user server further configured to communicate data between the base device and the user of the remote client device (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 30 - 47), said user server further configured to communicate data with said base device via requests initiated by said base device (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 30 - 47).

2.2 Per claim 2, Kikinis teaches that said data communicated to the remote device is formatted by a web browser (Abstract; Fig. 1; col. 7, lines 39 – 43; col. 4, lines 5 – 17).

2.3 Regarding claim 3, Kikinis discloses that said data communicated to the remote device is further formatted for viewing on a personal computer (Abstract; Fig. 1; col. 7, lines 39 – 43; col. 4, lines 5 – 17).

2.4 Per claim 4, Kikinis teaches that said data communicated to the remote device is further formatted for viewing on a mobile telephone (Fig. 1, item 140; col. 4, lines 19 – 29 “telephone 140”).

2.5 Regarding claims 5 and 6, Kikinis discloses that said data communicated to the remote device is further formatted for viewing on an Internet appliance device (Fig. 1, items 130, 131; col. 4, line 64 – col. 5, line 12).

Kikinis does not explicitly disclose that said data communicated to the remote device is further formatted for viewing on a PDA.

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It would have been inherent for the computers seen in Figure 1 (items 130 and 131) to be implemented as portable computers or PDAs since the wireless connection of portable computers (and other appliances) to a central home server is commonplace in the art.

2.6 Per claims 23 – 26, the rejection of claims 1 – 6 under 35 USC 102(e) (paragraphs 2.1 – 2.5 above) applies fully.

Response to Arguments

3. Applicant's arguments filed 8/24/06 have been fully considered but they are not persuasive.

Applicant argues that "In general, in accordance with the present invention, a user of a remote device 54 will make a request (for example to read or write information) that is communicated to a user server module 18. Periodically, the base device 42 will initiate contact with the user server module 18 to see if a request has come in. This feature is explained in the present application for example ..."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Periodically, the base device 42 will initiate contact with the user server module 18") are not recited in the rejected claim(s). Although the claims

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are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that "Kikinis is wholly unrelated to addressing the problem of increased security and accessing secure information from a base device behind a firewall ...".

Examiner disagrees.

In response to applicant's argument that Kikinis is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Kikinis is in the field of applicant's endeavor.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M – F, 7 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER

PRIMARY EXAMINER



krc